

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/617,477 Confirmation No. 3454
Appellants : Steven Roy Lipscomb et al.
Filed : July 11, 2003
Title : GAME TABLE WITH INTEGRAL LIGHTING SYSTEM

TC/A.U. : 3711
Examiner : Dolores R. Collins

Docket No. : 01YA-120318
Customer No. : 30764
Date : September 10, 2008

APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. § 41.41

Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
PO Box 1450
Alexandria VA 22313-1450

Sir or Madam:

This brief is submitted in reply to the Examiner's Answer mailed on July 10, 2008, maintaining the final rejection of claims 7, 22 and 31-40 in the above-identified patent application.

I. ARGUMENT

The Examiner's Answer largely rehashes the assertions made in the Final Office Action mailed on October 29, 2007. Those assertions were addressed in Appellants' Brief Under 37 C.F.R. § 41.37 and need not be repeated here in their entirety.

The Examiner newly asserts that "Flannery's light is continuously lit as claimed in a broad manner since it is not blinking intermittently." (Examiner's Answer at 4-5.) Applicants submit that "not blinking intermittently" is different from "continuously lit." Flannery's lighting system is not "continuously lit" because it is configured merely to highlight selected betting spaces and thereby show the progress of the game. This is an important feature

of Flannery's lighting system; it would defeat the entire purpose of Flannery's casino game for the lights to be switched on *continuously*.

This contrasts with the light source of Applicants' invention, which is configured to project light *continuously* through the translucent light window. Continuous illumination is important to Applicants' invention, since one of the objectives of the invention is to "minimize[] shadows during television taping." (Specification ¶ [0007].) A person of ordinary skill in the art reading Applicants' specification would understand that the light source of Applicants' invention would have to be configured to project light *continuously* through the light window in order to minimize shadows throughout the taping of a television broadcast.


The Examiner also newly asserts that "applicant appears to be arguing that his arm rest extends directly adjacent to his light window but fails to claim such." Applicant is not making that argument. Applicant simply noted that the light window of independent claim 7 and dependent claims 33 and 34 is arranged so that the arm rest extends around the light window's outer periphery. The arm rest need not be directly adjacent to the light window, but it does have to follow the outer periphery of the light window as the claim language requires. This differs from the Flannery application, wherein the betting spaces are arranged in the center of the playing surface 14, away from the arm rest, so that the betting spaces can be reached by the croupier and players.

II. Conclusion

For the reasons set forth above and in Appellants' Brief Under 37 C.F.R. § 41.37, the rejections of the claims are improper and should be reversed. A decision directing the Examiner to issue a Notice of Allowance is respectfully requested.

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: 
Darren M. Franklin
Registration No. 51,701

Application No. 10/617,477

Appellants' Reply Brief Under 37 C.F.R. § 41.41 dated September 10, 2008

Sheppard, Mullin, Richter & Hampton LLP
333 South Hope Street, 48th Floor
Los Angeles, California 90071
(213) 620-1780, ext. 5498